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**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:15-cv-00944-KBJ**

HERNANDEZ v. UNITED STATES DEPARTMENT OF  
JUSTICE et al  
Assigned to: Judge Ketanji Brown Jackson  
Cause: 05:552 Freedom of Information Act

Date Filed: 06/19/2015  
Jury Demand: None  
Nature of Suit: 550 Prisoner Petition: Civil  
Rights (Other)  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**ESPIGMENIO HERNANDEZ, JR.**

represented by **ESPIGMENIO HERNANDEZ, JR.**  
R27158-180  
LA TUNA  
FEDERAL CORRECTIONAL  
INSTITUTION  
Inmate Mail/Parcels  
P.O. BOX 8000  
ANTHONY, TX 88021  
PRO SE

V.

**Defendant**

**UNITED STATES DEPARTMENT OF  
JUSTICE**

represented by **Scott Leeson Sroka**  
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**LEAD ATTORNEY**  
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**TERMINATED: 02/24/2017**

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**TERMINATED: 03/01/2017**

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 TERMINATED: 09/03/2015

**Defendant**

**UNITED STATES DEPARTMENT OF  
 JUSTICE EXECUTIVE OFFICE FOR  
 UNITED STATES ATTORNEYS**

represented by **Scott Leeson Sroka**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**April Denise Seabrook**  
 (See above for address)  
 TERMINATED: 02/24/2017

**Damon William Taaffe**  
 (See above for address)  
 TERMINATED: 03/01/2017

**Jesse Dyer Stewart**  
 (See above for address)  
 TERMINATED: 09/03/2015

Date Filed	#	Docket Text
06/19/2015	<u>1</u>	COMPLAINT against UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS filed by ESPIGMENIO HERNANDEZ, JR. (Attachments: # <u>1</u> Civil Cover Sheet)(zrdj) (Entered: 06/22/2015)
06/19/2015	<u>2</u>	MOTION for Leave to Proceed in forma pauperis by ESPIGMENIO HERNANDEZ, JR (zrdj) (Entered: 06/22/2015)
06/19/2015	<u>3</u>	PRISONER TRUST FUND ACCOUNT STATEMENT for period of six months by ESPIGMENIO HERNANDEZ, JR (zrdj) (Entered: 06/22/2015)
06/19/2015	<u>4</u>	ORDER directing an initial partial filing fee in the amount of \$80.00 be made from Prison Account of ESPIGMENIO HERNANDEZ, JR. ; further ordered, granting <u>2</u> MOTION for Leave to Proceed in forma pauperis(See Order for full details). Signed by Judge Colleen Kollar-Kotelly on 6/18/2015. (zrdj) (Entered: 06/22/2015)
06/22/2015	<u>5</u>	SUMMONS (4) Issued as to UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS, U.S. Attorney and U.S. Attorney General (rd) (Entered: 06/23/2015)
07/06/2015	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF JUSTICE served on 6/29/2015; UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS served on 6/29/2015, RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 6/29/2015., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 6/29/2015. ( Answer due for ALL FEDERAL DEFENDANTS by 8/28/2015.) (jf) (Entered: 07/07/2015)
07/24/2015	<u>7</u>	NOTICE of Appearance by Jesse Dyer Stewart on behalf of UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS (Stewart, Jesse) (Entered: 07/24/2015)
07/24/2015	<u>8</u>	MOTION for Extension of Time to File Answer <i>or Otherwise Respond</i> by UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS (Attachments: # <u>1</u> Text of Proposed Order)(Stewart, Jesse) (Entered: 07/24/2015)

08/03/2015	<u>9</u>	NOTICE of Change of Address by ESPIGMENIO HERNANDEZ, JR (td) (Entered: 08/06/2015)
08/10/2015		MINUTE ORDER: Defendants' <u>8</u> Motion for Extension of Time is granted nunc pro tunc and the Answer or other response to the Complaint is due by 8/28/2015. Signed by Judge Ketanji Brown Jackson on 8/10/15. (ms) (Entered: 08/10/2015)
08/10/2015		Set/Reset Deadlines: Answer due by 8/28/2015. (gdf) (Entered: 08/10/2015)
08/28/2015	<u>10</u>	ANSWER to <u>1</u> Complaint by UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS.(Stewart, Jesse) (Entered: 08/28/2015)
08/28/2015	<u>11</u>	MOTION for Briefing Schedule by UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS (Attachments: # <u>1</u> Text of Proposed Order)(Stewart, Jesse) (Entered: 08/28/2015)
09/01/2015		MINUTE ORDER: Defendants' <u>11</u> Motion for Briefing Schedule is granted. Defendants' dispositive motion is due by October 13, 2015; Plaintiff's opposition and cross-motion, if any, are due by November 23, 2015; Defendants' reply and opposition, if any, are due by December 21, 2015; and Plaintiff's reply, if any, is due by January 19, 2016. Signed by Judge Ketanji Brown Jackson on 8/31/15. (ms) (Entered: 09/01/2015)
09/01/2015		Set/Reset Deadlines: Cross Motions due by 11/23/2015. Response to Cross Motions due by 12/21/2015. Reply to Cross Motions due by 1/19/2016. Dispositive Motions due by 10/13/2015. Response to Dispositive Motions due by 11/23/2015. Reply to Dispositive Motions due by 12/21/2015. (gdf) (Entered: 09/01/2015)
09/03/2015	<u>12</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Damon William Taaffe on behalf of All Defendants Substituting for attorney Jesse Stewart (Taaffe, Damon) (Entered: 09/03/2015)
10/07/2015	<u>13</u>	MOTION for Summary Judgment by UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration Myrick, # <u>3</u> Declaration Luczynski, # <u>4</u> Declaration Bordley)(Taaffe, Damon) (Entered: 10/07/2015)
10/08/2015	<u>14</u>	Order advising plaintiff to respond by 11/23/2015 to <u>13</u> Defendants' MOTION for Summary Judgment, or the Court may treat the motion as conceded. Signed by Judge Ketanji Brown Jackson on 10/8/15. (ms) (Entered: 10/08/2015)
11/23/2015	<u>15</u>	Cross MOTION for Summary Judgment by ESPIGMENIO HERNANDEZ, JR (jf) (Entered: 11/25/2015)
11/23/2015	<u>16</u>	Memorandum in opposition to re <u>13</u> MOTION for Summary Judgment filed by ESPIGMENIO HERNANDEZ, JR. (jf) (Entered: 11/25/2015)
12/03/2015	<u>17</u>	MOTION for Extension of Time to File Response/Reply as to <u>13</u> MOTION for Summary Judgment by UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS (Taaffe, Damon) (Entered: 12/03/2015)
12/08/2015		MINUTE ORDER: It is hereby ORDERED that defendant's Motion for Enlargement of Time to File Defendant's Reply in Support of its Motion for Summary Judgment <u>17</u> is DENIED as moot. Pursuant to the Court's September 1, 2015 Minute Order, defendant's reply and opposition to plaintiff's cross-motion [ECF No. 15] are due on December 21, 2015. Signed by Judge Ketanji Brown Jackson on 12/8/15. (ms) (Entered: 12/08/2015)
12/14/2015	<u>18</u>	NOTICE of Change of Address by ESPIGMENIO HERNANDEZ, JR (jf) (Entered: 12/15/2015)
12/21/2015	<u>19</u>	REPLY to opposition to motion re <u>13</u> MOTION for Summary Judgment filed by UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS. (Attachments: # <u>1</u> Declaration Luczynski supp declaration)(Taaffe,

		Damon) Modified on 12/22/2015 (jf). (Entered: 12/21/2015)
12/22/2015		event (jf, ) (Entered: 12/22/2015)
12/22/2015	<u>20</u>	Memorandum in opposition to re <u>15</u> MOTION for Summary Judgment filed by UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS. (Attachments: # <u>1</u> Declaration Luczynski supp decl)(Taaffe, Damon) (Entered: 12/22/2015)
01/14/2016	<u>21</u>	REPLY in support re <u>15</u> Cross MOTION for Summary Judgment filed by ESPIGMENIO HERNANDEZ, JR. (jf) (Entered: 01/15/2016)
02/17/2016	<u>22</u>	NOTICE of Change of Address by ESPIGMENIO HERNANDEZ, JR (jf) (Entered: 02/19/2016)
02/17/2016	<u>23</u>	NOTICE of Transfer by ESPIGMENIO HERNANDEZ, JR (jf) (Entered: 02/19/2016)
05/09/2016	<u>24</u>	NOTICE of Change of Address by ESPIGMENIO HERNANDEZ, JR (jf) (Entered: 05/11/2016)
09/30/2016	<u>25</u>	MEMORANDUM OPINION AND ORDER GRANTING IN PART and DENYING IN PART Defendant's <u>12</u> Motion for Summary Judgment, STAYING <u>15</u> Plaintiff's Cross-Motion for Summary Judgment and Case as a whole, and requiring in camera, ex parte production of certain documents on or before 10/31/2016. See attached document for details. Signed by Judge Ketanji Brown Jackson on 09/30/2016. (lckbj1) (Entered: 09/30/2016)
10/31/2016	<u>26</u>	NOTICE of Supplemental Release by UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS (Attachments: # <u>1</u> Declaration Luczynski, # <u>2</u> Exhibit Released pages)(Taaffe, Damon) (Entered: 10/31/2016)
11/21/2016	<u>27</u>	RESPONSE to Supplemental Release filed by ESPIGMENIO HERNANDEZ, JR. (jf) (Entered: 11/23/2016)
12/05/2016	<u>28</u>	RESPONSE re <u>26</u> Notice (Other), filed by UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS. (Taaffe, Damon) (Entered: 12/05/2016)
12/07/2016		MINUTE ORDER. In light of the representations made in Defendant's <u>28</u> Reply in Support of Supplemental Release regarding it's reprocessing of Plaintiff's FOIA request, it is hereby ORDERED that Defendant shall file a status report regarding its reprocessing of Plaintiff's FOIA request on or before 1/9/2017, and that Plaintiff's <u>15</u> cross-motion for summary judgment is DENIED as moot. It is FURTHER ORDERED that the following briefing schedule is set for renewed motions for summary judgment: Defendant's motion is due on or before 2/1/2017; Plaintiff's opposition and cross-motion is due on or before 3/8/2017; Defendant's reply and cross-motion opposition is due on or before 4/5/2017; and Plaintiff's cross-motion reply is due on or before 5/3/2017. Signed by Judge Ketanji Brown Jackson on 12/7/2017. (lckbj1) (Entered: 12/07/2016)
01/09/2017	<u>29</u>	STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS. (Taaffe, Damon) (Entered: 01/09/2017)
01/27/2017	<u>30</u>	NOTICE of Appearance by April Denise Seabrook on behalf of All Defendants (Seabrook, April) (Entered: 01/27/2017)
01/27/2017	<u>31</u>	MOTION for Extension of Time to <i>File Dispositive Motion and Memorandum in Support</i> by UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS (Seabrook, April) (Entered: 01/27/2017)
02/24/2017	<u>32</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Scott Leeson Sroka on behalf of UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS Substituting for attorney April Denise Seabrook (Sroka, Scott) (Entered: 02/24/2017)

02/24/2017	<u>33</u>	MOTION for Extension of Time to File <i>Renewed Dispositive Motion</i> by UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS (Sroka, Scott) (Entered: 02/24/2017)
03/01/2017		MINUTE ORDER: Defendants' <u>31</u> <u>33</u> Motions for Extension of Time are granted. Defendants shall file their dispositive motion by March 17, 2017; plaintiff shall file his opposition and cross-motion, if any, by April 17, 2017; defendants shall file their reply and opposition to plaintiff's cross-motion by May 17, 2017; plaintiff shall file his reply by June 17, 2017. Signed by Judge Ketanji Brown Jackson on 3/1/17. (ms) (Entered: 03/01/2017)
03/01/2017	<u>34</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS. Attorney Damon William Taaffe terminated. (Taaffe, Damon) (Entered: 03/01/2017)
03/01/2017		Set/Reset Deadlines: Cross Motions due by 4/17/2017. Response to Cross Motions due by 5/17/2017. Reply to Cross Motions due by 6/17/2017. Dispositive Motions due by 3/17/2017. Response to Dispositive Motions due by 4/17/2017. Reply to Dispositive Motions due by 5/17/2017. (gdf) (Entered: 03/02/2017)
03/17/2017	<u>35</u>	Second MOTION for Summary Judgment by UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Memorandum in Support of Renewed Motion for Summary Judgment, # <u>2</u> Declaration (Supplemental) of David Luczynski, # <u>3</u> Declaration (Second) of Katherine L. Myrick)(Sroka, Scott) (Entered: 03/17/2017)
03/17/2017	<u>36</u>	NOTICE of Change of Address by ESPIGMENIO HERNANDEZ, JR (jf) (Entered: 03/20/2017)
03/21/2017	<u>37</u>	Order advising plaintiff to respond to <u>35</u> Defendant's Renewed MOTION for Summary Judgment by 4/17/2017. Signed by Judge Ketanji Brown Jackson on 3/21/17. (ms) (Entered: 03/21/2017)
04/06/2017	<u>38</u>	Cross MOTION for Summary Judgment by ESPIGMENIO HERNANDEZ, JR (jf) (Entered: 04/07/2017)
04/06/2017	<u>39</u>	Memorandum in opposition to re <u>35</u> Second MOTION for Summary Judgment filed by ESPIGMENIO HERNANDEZ, JR. (jf) (Entered: 04/07/2017)
05/17/2017	<u>40</u>	MOTION for Extension of Time to File Response/Reply as to <u>38</u> MOTION for Summary Judgment <i>and Opposition to Renewed Motion for Summary Judgment</i> by UNITED STATES DEPARTMENT OF JUSTICE (Sroka, Scott) (Entered: 05/17/2017)
05/22/2017		MINUTE ORDER: Defendants' <u>40</u> motion for extension of time is GRANTED. Their reply and opposition to Plaintiff's <u>38</u> cross-motion for summary judgment is due by 5/31/2017, and Plaintiff's Reply is due by 7/5/2017. Signed by Judge Ketanji Brown Jackson on 5/22/17. (ms) (Entered: 05/22/2017)
05/31/2017	<u>41</u>	REPLY to opposition to motion re <u>35</u> Second MOTION for Summary Judgment filed by UNITED STATES DEPARTMENT OF JUSTICE. (Sroka, Scott) (Entered: 05/31/2017)
05/31/2017	<u>42</u>	Memorandum in opposition to re <u>38</u> MOTION for Summary Judgment filed by UNITED STATES DEPARTMENT OF JUSTICE. (Sroka, Scott) (Entered: 05/31/2017)
03/29/2019	<u>43</u>	MOTION for Status Conference, MOTION for Leave to Appear by Telephone by ESPIGMENIO HERNANDEZ, JR (jf) (Entered: 04/02/2019)